

REMARKS

Please reconsider the application in view of the above amendments and the following remarks. Applicant thanks the Examiner for carefully considering this application and for indicating claims 11-35 contain allowable subject matter.

Disposition of the Claims

Claims 1-37 were pending. Claims 2-9 and 36 are canceled, without disclaimer or prejudice, and new claims 38 and 39 are added by this reply. Therefore, claims 1, 10-35, and 37-39 are pending after the amendments. Claims 1 and 10 are independent claims. The remaining claims depend, directly or indirectly, from these independent claims.

Amendments to the Claims

Claims 1 and 10 have been amended to delete $V = -CH(R^{11})-$. New claims 38 and 39 are supported by the original claim 1 and Example 7 in the specification as filed. No new matter is introduced by these amendments.

Claim Rejections under 35 U.S.C. § 112

Claims 2-9 and 36 are rejected under 35 U.S.C. § 112. These claims have been canceled, rendering this rejection moot. Accordingly, withdrawal of this rejection is respectfully requested.

Claim Rejections under 35 U.S.C. § 103(a)

Claims 1, 10, and 37 were rejected under 35 U.S.C. § 103(a) as being obvious over Dickson et al. (WO 2005/120509 and also over Herron et al. WO 2002/010154. Claims 1 and 10 have been amended. To the extent that this rejection may still apply to the amended claims, this rejection is respectfully traversed.

Both Dickson et al. and Herron et al. disclose compounds having a $-\text{CH}_3$ group corresponding to the " $-\text{V}-\text{R}^3$ " group in the compounds of the invention. Claims 1 and 10 have been amended to delete $\text{V} = -\text{CH}(\text{R}^{11})-$. Thus, the " $-\text{V}-\text{R}^3$ " group in the compounds of the invention cannot be linked to an alkyl group. Therefore, compounds in claims 1 and 10 are distinct from those disclosed in Dickson et al. and Herron et al. Claim 37 depend from claim 10.

For reasons set forth above, the amended claims 1, 10, and 37 should be patentable over Dickson et al. and Herron et al. Accordingly, withdrawal of this rejection is respectfully requested.

Objected Claims

Applicant thanks the Examiner for indicating that claims 11-35 contain allowable subject matter, but are objected to as being dependent on rejected base claims. For reasons set forth above, Applicant believes the base claims, from which these claims depend, are allowable. Therefore, Applicant respectfully defers re-writing these claims in independent form.

New Claims 38 and 39

New claims 38 and 39 depend from claims 1 and 10, respectfully. Therefore, new claims 38 and 39 should also be patentable for at least the same reasons.

Conclusion

Applicant believes this reply is fully responsive to all outstanding issues and places this application in condition for allowance. If this belief is incorrect, or other issues arise, the Examiner is encouraged to contact the undersigned or his associates at the telephone number listed below. Please apply any charges not covered, or any credits, to Deposit Account 50-0591, Reference 17243/004001.

Dated: September 22, 2008

Respectfully submitted,

By: _____

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